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SUBJECT: NORWAY: SUPREME COURT RULES IN FAVOR OF THE
NEC

REF: A) Oslo 363
B) Oslo 110
C) 08 Oslo 501 and previous

¶1. (U) Summary: The Norwegian Supreme Court on May 29 ruled unanimously against opponents of our NEC. Rejecting arguments that there had been inadequate consideration of alternative locations, the high court sustained the Oslo City Council's decision in December 2005 to rezone our ten-acre site in Huseby for NEC construction. Media coverage, both print and broadcast, was extensive. Post looks forward to working with OBO and the Oslo Planning and Building Authority to finalize the NEC design. End Summary.

¶2. (U) On May 29 Norway's high court announced to a packed courtroom that our opponents had no grounds for invalidating the Oslo City Council's decision in December 2005 to rezone our ten-acre site in Huseby for NEC construction. At issue was whether the required environmental impact statement should have included a more thorough analysis of alternative locations. Documents submitted to the court showed that the U.S. Government had evaluated over two dozen properties, with Huseby having emerged as the superior location by virtue of its size and proximity to government ministries.

¶3. (U) Opponents of the NEC immediately lambasted the ruling, decrying the loss of green space. A spokesperson said she would ask the City Council to consider a smaller NEC footprint; however, one city councilor, also present for the court's ruling, said that the Supreme Court's unanimous decision had settled the issue as far as the City Council was concerned.

¶4. (U) Media coverage was extensive. The embassy sent out a written statement from Ambassador Whitney on Friday afternoon, which was picked up by several papers and news sites. The Ambassador conducted interviews with national public broadcaster NRK's local TV and radio news, news TV channel TV2 Nyhetskanalen live for its 5 p.m. newscast, and the newspaper of record, Aftenposten. The court decision was featured as the top story on the NRK local news for Oslo on Friday evening. It was also covered in the Saturday paper editions of Aftenposten and Norway's largest newspaper, VG. The media coverage was generally sympathetic to the defeated plaintiffs, but also mentioned the Embassy's good intentions and its need for a more secure site.

¶5. (SBU) Comment: The Supreme Court's unanimous decision represented the culmination of a seven-year search process and nearly four years of ongoing drama, including a down-to-the-wire vote in the City Council, an appeal to the governor, and two lower court rulings, all in favor of the NEC. Our opponents have exhausted their legal options but could continue to be a nuisance through negative articles in the press or other protests. We are hopeful that the Department will identify funding so that

our architects can modify the NEC design and gain final approval from the City of Oslo. An extended delay by the USG could also potentially reopen the political angle on this case after national elections this fall. Moving expeditiously is our best way of preserving this hard-won success. End Comment.

¶6. (U) Post wishes to express its thanks to Undersecretary for Management, Pat Kennedy, to OBO Acting Director Adam Namm, and to EUR Executive Director Tom Tiernan for their steadfast support and to everyone in OBO and L who worked long hours to provide information needed to meet urgent court deadlines.

WHITNEY